IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CR NO.1600 of 1989

DATE OF DECISION: 25.7.2007

Sandeep Jain ...Petitioner

VERSUS

Haryana State and another ...Respondents

CORAM

HON'BLE MR.JUSTICE PERMOD KOHLI

PRESENT: None for the petitioner

Mr.M.S.Sindhu, DAG, Haryana for respondents

Permod Kohli (Oral)

This Civil Revision is directed against the order 27.1.1989 passed by the District Judge, Narnaul whereby an application for condonation of delay under Section 5 of the Indian Limitation Act has been dismissed and consequently, the appeal as time barred.

Since the petitioner chose not to appear, I have heard learned counsel for the respondents and perused the impugned order. The Court below has clearly recorded a finding of fact that the judgment was delivered by the trial court on 8.10.1986 and application for obtaining certified copy of thereof was made on 9.10.1986, but the petitioner collected the copy from the copying

branch on 3.7.1987 and the appeal was preferred on 16.7.1987. The Court below observed that no effort was made by the petitioner to collect the copy from the copying agency even when it was prepared on 31.12.1986. From the impugned order which is based upon the evidence led by the parties, it appears that the petitioner had been negligent in not collecting the copy of the judgment passed by the trial court within time which resulted into delay of about 6 months in filing the appeal before the First Appellate Court. Consequently, the impugned order was passed by the First Appellate Court dismissing the application of the petitioner for condoning delay and also the appeal as time barred. I find no illegality in the impugned order.

In view of the above, I find no merit in this Civil Revision which is accordingly dismissed.

(PERMOD KOHLI)
JUDGE

25.7.2007
MFK

NOTE:Whether to be referred to the Reporter or not:YES/NO